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### MINUTES

## SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 06, 2020

TIME: 8:00 A.M. PLACE: Room WW55

**MEMBERS** Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon,

PRESENT: Souza, Stennett, and Buckner-Webb

ABSENT/ None

**EXCUSED:** 

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the

minutes in the committee's office until the end of the session and will then be

located on file with the minutes in the Legislative Services Library.

Vice Chairman Harris called the meeting of the Senate State Affairs Committee CONVENED:

(Committee) to order at 8:04 a.m.

**MINUTES** Senator Buckner-Webb moved to approve the Minutes of February 3, 2020. Senator Anthon seconded the motion. The motion carried by voice vote. APPROVAL:

Senator Hill moved to approve the Minutes of February 19, 2020. Senator

**Anthon** seconded the motion. The motion carried by **voice vote**.

Senator Souza moved to approve the Minutes of February 14, 2020. Senator Hill

seconded the motion. The motion carried by voice vote.

Senator Anthon moved to approve the Minutes of February 10, 2020. Senator

Hill seconded the motion. The motion carried by voice vote.

RS 27924 **UNANIMOUS CONSENT REQUEST** from the Senate Transportation Committee

relating to motorist's responsibilities at a railroad crossing.

Vice Chairman Harris announced that he had received a unanimous consent request from Senator Brackett, Chairman of the Senate Transportation Committee. to print **RS 27924**, relating to a motorist's responsibilities at a railroad crossing.

MOTION: Senator Stennett moved to send RS 27924 to print. Senator Buckner-Webb

seconded the motion. The motion carried by voice vote.

RS 27912 RELATING TO THE ANTI-BOYCOTT AGAINST ISRAEL to prohibit a public

entity from entering into certain contracts that boycott Israel.

Senator Winder explained that RS 27912 relates to the anti-boycott against Israel, to prohibit a public entity from entering into certain contracts that boycott Israel. It prohibits anyone with a contract over \$100,000 in the State of Idaho to agree to not provide any kind of a boycott against Israel. Senator Winder stated that this legislation was brought by the local Jewish community. Senator Stennett asked if this type of protection is provided for any other country. Senator Winder said

he would have to do some research regarding that.

MOTION: Senator Hill moved to send RS 27912 to print. Senator Souza seconded the

motion. The motion carried by voice vote.

PASSED THE

Vice Chairman Harris passed the gavel to Chairwoman Lodge.

GAVEL:

## H 500 RELATING TO FAIRNESS IN WOMEN'S SPORTS ACT.

**Senator Souza**, presented **H 500** which relates to fairness in women's sports. She stated that girls and women deserve to compete on a level playing field. Title IX became law in 1972 and, over time, it began to balance out the great divide between men and women's sports.

Senator Souza said when biological boys compete in girls sports, equal opportunity is destroyed. She provided a packet of information, including an anatomical graphic published in the Washington Post in 2014 titled "Fit But Unequal" comparing the physical scientific attributes of males versus females (see Attachment 1). She also referred to a letter from Beth Seltzer, founder of Save Women's Sports, who wrote that the physical advantages that males have over females is very real and unchangeable, resulting in performance differentials of up to over 30 percent, depending on the activity. The letter was signed by 25 women from all kinds of different backgrounds (see Attachment 2). She added that studies have confirmed that after 12 months of hormone therapy, male bodies do not lose these advantages. Fairness, privacy, and safety for females must be ensured and protected.

**Senator Stennett** provided a scenario that emphasized how someone, without cause, could instigate a complaint questioning the biological sex of a girl athlete that would result in extreme internal and external testing with the resulting analysis confirming she was a girl. There is nothing in this bill to preclude this type of incident happening. There are many questions to be answered. **Senator Stennett** stated that what this bill does or doesn't do regarding legislative language comes from an Attorney General's opinion.

**Representative Ehardt**, District 33, cosponsor of **H 500**, said this bill is about one thing, protecting opportunities for girls and women in sports. There have been gross misunderstandings and misrepresentations directed at this bill. This bill preserves girls opportunities to excel in athletics. She emphasized that women have fought too long and too hard for opportunities that, in many respects, are still not on a level playing field with boys and men.

Representative Ehardt said this legislation acknowledges that there are inherent differences between males and females (see Attachment 3). She then referred to the health examination and consent form issued by the Idaho High School Activities Association (see Attachment 4). She discussed the form regarding questions relating to the bill and how they were used by the athletic directors at the schools. The athletic directors are in charge and a disgruntled person cannot make accusations, it is up to those athletic directors to determine what should be done. Representative Ehardt met with Ty Jones, Executive Director of the Idaho High School Activities Association, to review standards and requirements. She referred back to Title IX stating that it was designed to eliminate discrimination against girls and women

**Representative Ehardt** quoted Martina Navratilova, a tennis player. Ms. Navratilova tries not to exclude trans people from living a full, healthy life, but tries to make sure girls and women who are born female, are competing on a level playing field within their sport. **Representative Ehardt** then explained the NCAA policy for transgenders and what they must go through to play in sports.

**Senator Stennett** read page 3, lines 15-20 of the bill and noted that testosterone levels fluctuate and are not the same; she asked what level is considered normal in this bill and who pays for all of these tests. **Representative Erhardt** responded that the added two options are there but will seldom be used. Like any other physicals, these can be paid by the student athlete or, in some cases,

a donor. In regards to testosterone levels, this is for high school or college students. The differences in the levels of testosterone between males and females are very significant.

**Senator Souza** interjected that there are normal values within normal ranges which can fluctuate. Normal ranges for males are quite different from girls in that age group. **Senator Stennett** noted that the bill does not indicate that range. **Senator Souza** said that is why a physician's signature is required for the physician's exam.

**Representative Erhardt** also responded that this is based only on biological sex and only when there is a question would other testing be involved.

**Chairwoman Lodge** opened testimony and explained the time limit would be three minutes.

## TESTIMONY IN OPPOSITION:

The following testified in opposition to **H 500**: Paul Rolig; Kristen Linzmeye; Emilie Jackson-Edney; Mary Anne McGrory; Claire Paschke; Erin Hudson, Speedy Foundation; Diane Terhune, Tracy Olson, Liz Fuller, BSU Amnesty Intl.; Miranda Markovitz; Lindsay Hecox; Kayla McNay; and Tre'Anna Cussins.

Issues and concerns that were addressed included:

- The government should not do what the free market and private organizations can do.
- Debating this issue is a waste of taxpayers money.
- It discriminates against Idaho citizens who identify as transgender.
- A mechanism for harassment of female athletes is created.
- It does not allow transgender people to live a normal life.
- This bill is an affront to Idaho values.
- It prevents student athletes from participating according to their authentic gender identity.

# TESTIMONY IN FAVOR:

Testifying in favor of **H 500** were Robin Ray; Christian Welp, Catholic Church; KaDee Hammond-Gomez, Brian Stutzman; Lori Woodland; Lindsey Zea; Blain Conzatti, Family Policy Alliance; and Alyssa Gilmore.

In closing, **Senator Souza** said the remarks made against the bill are unfair, and the bill is only about fairness in women's sports and creating a level playing field.

**Chairwoman Lodge** announced that testimony on **H 500** would resume on Monday, March 9 and encouraged the public to submit written testimony. An e-mail address was provided.

## **ADJOURNED:**

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 10:25 a.m.

Senator Lodge, Chair	Twyla Melton, Secretary
	 Juanita Budell
	Assistant Secretary

Attach munt! Fit but unequal

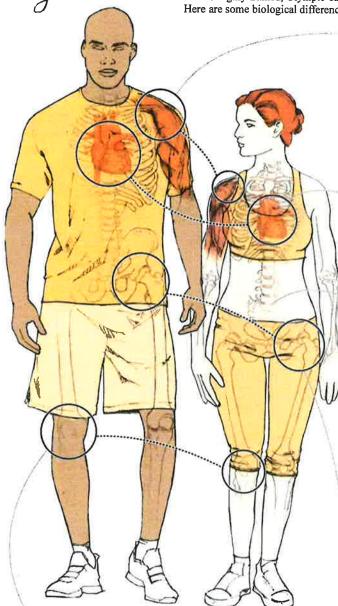
H500 3-6-2020 Fit but unequal

Index Souga

Take two highly trained, Olympic-caliber athletes; one man, one woman.

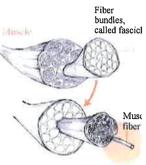
Here are some biological differences that affect their parformances.

Here are some biological differences that affect their performance:



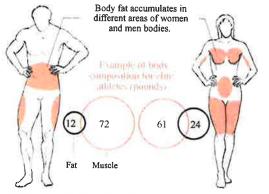
## Muscle

Testosterone and other hormones give him a greater percentage of lean muscle, particularly in his upper body. Some research indicates that even his individual muscle fibers are larger. Because more muscle means more power, men's top performances in jumping and sprinting sports and especially weightlifting and throwing events greatly exceed women's.



The man's heart, because of its larger size, can send more blood per beat to working muscles than hers can. His blood also contains more oxygen-carrying hemoglobin. Altogether, his ability to take in and use oxygen — also called aerobic capacity, or VO2 max — is typically 15 to 25 percent greater than hers. That translates to greater performance in endurance events.

Her total body fat is 16% of her weight; his is half that. Her body needs more "essential fat" just to keep all systems running smoothly. Estrogen increases the fat storage. (These are elite athletes Regular people's healthy body-fat ranges are roughly 20 to 32% for women and 10 to 22% for men.) Her extra fat is vital but doesn't boost performance, so he is stronger, pound for pound

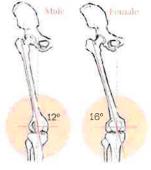


Body composition if each weighs 150 pounds\*

## Knees

the risk.

Her wider pelvis means her femurs meet her tibias at a greater angle. The higher this "Q angle," the more stress is put on the knee joints. This is one reason female soccer players, for example, are five to six times as susceptible to knee injuries as male players are. Strength training that targets hamstrings and nearby muscles can reduce



The Q angle is named for the quadrceps muscle in front of the thigh,

## Flexibility

Thanks to anatomical differences, some of her joints have a greater range of motion, giving her the edge in gymnastics and figure skating. Hormones may also play a part in making joints more lax.











Sources: Barbara Bushman, exercise physiologist and editor of the American College of Sports Medicine's "Complete Guide to Fitness and Health;" Wayne Westcott, professor of exercise science at Quincy College and author of 25 books on strength training; "Gender differences in strength and muscle fiber characteristics," by A.B. Miller, et al., McMaster University, Ontario; American Academy of Orthopaedic Surgeous; American Heart Association.

GRAPHIC: Bonnie Berkowitz And Alberto Cuadra - The Washington Post. Published Feb. 25, 2014.



Attachment 2 H500 3-6-2020 Someton Louga

TO:

Idaho Senate State Affairs Committee

From:

Beth Stelzer, Founder of Save Women's Sports

Date:

Thursday, March 5, 2020

RE:

Please preserve female sports by supporting HB 500

## Dear Members,

On behalf of the following concerned individuals and organizations, and women and girls across Idaho we ask you to please vote yes on HB 500. Your efforts to preserve women's sports will impact millions of young women. Science does not lie, and the truth is not transphobic. The physical advantages that males have over females ae very real and unchangeable, resulting in performance differentials of up to over 30% depending on the activity.<sup>1</sup>

No matter what medical intervention is attempted, a male body will never be transformed into a female body. It can only be made to appear more female. Once a person is born male, every cell and structure of the body will remain fundamentally male.

Currently, society is being manipulated into believing that people can literally change their birth determined sex if they simply proclaim that they are a different "gender". Please note that the two words do NOT mean the same thing: "sex" is biological, while "gender" relates to social behavior and the way someone wishes to be viewed by others. Sex is a fact; gender is an idea.

Legislation that enables a biological male to self-declare as "female" and to trespass upon female-only space has proven to be unfair towards females. Presumably, such laws and/or policy decisions were made in good faith but we must also assert that the troubled feelings of a small minority of male-bodied individuals should never be used as an excuse to override the basic rights to privacy, fair play, and respect that women have fought so hard to attain.

In the realm of sports, it is obviously unethical to allow a male athlete to compete against female athletes. The advantages enjoyed by the male body result in a blatant disadvantage for female athletes. Such discrimination undermines the very purpose of Title IX.



The attached graphic provides a useful summary of this issue and I have also provided my personal testimony. Please feel free to use it as you wish to educate others. If males who identify as being transgender can compete on women's sports teams and in women's sporting events, there will be men's sports, there will be co-ed sports, but there will no longer be women's sports.

Furthermore, please let us know if we can be of assistance. The future of female sports depends on you.

Again, please support HB 500. Thank you for your vital support! For information and resources on this subject please proceed to our website <a href="www.savewomenssports.com">www.savewomenssports.com</a>.

Sincerely,

Beth Stelzer Founder of Save Women's Sports Amateur Powerlifter

Linda Blade, PhD Kinesiology Sport Performance Professional President of Athletics Alberta

Jennifer S. Bryson Former College Athlete Let All Play, Founder

Autumn Caycedo, MD Former Collegiate Rower, Army Veteran Mother of 3 daughter-athletes

Natasha Chart Board Chair Women's Liberation Front

Jade Dickens Masters Powerlifting World Champion Founding Member of XX Fair Play Rights

Sharon Dierberger Clinical Exercise Physiologist



Tanya Ditty
Vice President of Field Operations
Concerned Women for America

Misha Fayant Multi Time Powerlifting World Champion Founding Member of XX Fair Play Rights

Robert Fausett Former U.S. National Taekwondo Team Coach 2012 Olympic Taekwondo Coach

Bob Higgins Member of Save Women's Sports 43 Years of Experience in Road Cycling

Kristopher Hunt, MD FACEP USA Powerlifting Medical Director

Emily Kaht Marathon Runner Member of Save Women's Sports

Heidi Kay Amateur Powerlifter Member of Save Women's Sports

Meg Kilgannon Member of Save Women's Sports

Rebekah Lair Masters Bench Press World Champion Founding Member of XX Fair Play Rights

Ashley Lesniewski, MSN, APRN, FNP-C, Amateur Cyclist Member of Save Women's Sports Anthony D. Lunsford Father of Daughter-Athletes Author, Coach, and Business Owner

Donna Marts Multi Time Powerlifting World Champion Founding Member of XX Fair Play Rights

Jane Rice Member of Save Women's Sports Masters Powerlifter

Elizabeth Richardson, MD FACOG Champion Powerlifter

Angie Riniker, Track Coach Former NCAA 400 Meter Hurdles Champion 8 Time All American

Jennifer Rosener MSN APRN NP-C Member of Save Women's Sports

Inga Thompson
3 Time Olympic Cyclist
Founder of The Inga Thompson Foundation

Jennifer Wagner-Assali, MD FAAOS 5-time National Champion Master Track Cycling

Jim Wright
2 Time Age Group and
1 Time Elite National Champion Road Cyclist

Mary Verrandeaux Tour de France Finisher



My name is Beth Stelzer. I am a woman. I am a wife, mother, amateur powerlifter and the founder of the coalition Save Women's Sports.

When I picked up a barbell for the first time a few years ago, it changed my life. Powerlifting empowered me. My husband brought me to watch the USA Powerlifting 2018 Minnesota women's state championships. When I got home, I hung a goals list on my wall. At the top of the list was my ambition to complete the following year.

When it came time to sign up for that contest, I experienced a very unexpected and painful miscarriage. At the same time, my Grandma passed away. I lost a child and I lost one of my biggest supporters. I had lost hope and I thought I had lost the chance to compete, but I didn't give up.

After I was cleared to lift again, powerlifting helped me feel like I still had control of my unpredictable female body. Through literal blood, sweat, and tears, I persevered.

About two months before the contest, I saw that there were suddenly some openings in the competition. I jumped at the opportunity and started training intensely 2-3 hours a day 5-7 days a week as the day approached anticipation and excitement were my constant companions.

However, transgender rights activists sullied the day of the meet for every woman there. They disrupted all events because a male was not allowed to compete against females.

That male has filed a complaint against USA Powerlifting with the Minnesota Department of Human Rights.

Males average about a 10% physical advantage over women across the various sports. In weight lifting showing males' competitive advantages crest over 30%. When tenths of a second or a half kilogram can determine the winner; this kind of advantage is huge! Men have an average of 26 lbs. more skeletal muscle mass than women and we enjoy around 40 percent less upper-body and 33 percent less lower-body strength.

Studies have confirmed that even after 12 months of hormone replacement, male bodies do not lose these advantages. Medical procedures do nothing to mitigate them. The Y chromosome continues to program the permanently increased number of myonuclei in a male's muscles to recover and grow faster than females.

Fairness, privacy, and safety for females must be insured and protected. Like many other women, I would never have bothered to even start my fitness journey if I'd have had to compete against males. There would have been no point.



After founding Save Women's Sports, I discovered that women are harassed for raising alarms about the more than 50 males who have taken away opportunities from females over the past couple of years. We lose opportunities, sponsors, and jobs. We are slurred as transphobic, bigoted, and even racist. Out of fear, we have become the silenced majority. I represent all of these women.

Male participation in female sports spans internationally at all playing levels. Allowing them to complete as females denies women fair play and bodily privacy. It undermines the purpose of Title IX. It is unethical, unfair, unnecessary, unscientific, and unsound.

If males are allowed to compete in women's sporting events, there will be men's sports and there will be co-ed sports, but there will no longer be women's sports.

Protect sex-separated opportunities. Support HB 500. Set the precedent and save women's sports.

Beth Stelzer beth@savewomenssports.com

# SPORTS FAST FACTS

Attachment 3 H500 3-6-2020 Legresentative Exhault

The strongest 10% of females can only beat the bottom 10% of men in hand grip tests. 28 Hand grip is one of the most widely-used markers for **strength**.

Men are **faster** than women. In running, swimming, rowing, kayaking, and short distance and long distance, women's speed world records are all about 90% of their men's speed world records.<sup>29</sup> Each year,

(1)

hundreds of men easily beat the world's best time in the women's marathon.<sup>30</sup>

Men have broader shoulders, and larger feet and hands, all of which grant an

advantage

in sports like volleyball, swimming, and basketball. Male marathon runners have lower body fat percentages tha

percentages than female marathon runners.<sup>31</sup>

Men have a greater amount of fast twitch muscle fibers, which give men

explosive power.32

On average, men are physically stronger than women.<sup>33</sup>

Men have 66% more upper-body muscle than women.

and 50% more lower-body muscle.34



There is a 10% performance gap between male and female athletes in most sports and it hasn't narrowed as women train harder.<sup>35</sup>

Men have higher hemoglobin levels, allowing

their body to oxygenate muscles more quickly and efficiently.<sup>36</sup>

Men are



Men have larger hearts and lungs. A larger heart can pump more blood to the body and larger lungs allow for the body's

tissues to receive more oxygen.



Men have bigger and stronger bones. A larger skeletal structure means men's bodies can hold more muscle and larger bones facilitate leverage.<sup>37</sup>

taller, giving them an advantage in sports like basketball or volleyball.





Atachment 4 H500 3-6-2020 Peprintative Exhaudt

## HEALTH EXAMINATION and CONSENT FORM

It is required all students complete a history and physical examination prior to his/her first 9th and 11th grade practice in the interscholastic (9-12) athletic program in the State of Idaho. The exam is at the expense of the student and may not be taken prior to May 1 of the 8th and 10th grade years. This examination is to be done by a licensed physician, physician's assistant or nurse practitioner under optimal conditions. Interim history forms are required during the 10th and 12th grade years and must be submitted to the school administration prior to the first practice.

administration prior to the first practice.					
Name:		Sex: M/F	Date of birth: Ag	;e:	
Address:	Ph	one:			
School:	Spo	orts:	Participation Grad	.e:	
M	EDICA	L HISTO	ORY	( <del></del>	
Fill in details of "YES" answers in space below:	Yes	No		Yes	No
1. Have you ever been hospitalized?		□ 6. Паче у	you ever had a head injury?		
Have you ever had surgery?			ou ever been knocked out or unconscious?		
2. Are you presently taking any medication or pills?			ou ever been diagnosed with a concussion?		
3. Do you have any allergies (medicine, bees, other insects)?		☐ Have y	ou ever had a seizure?		
4. Have you ever passed out during or after exercise?		☐ Have y	ou ever had a stinger, burned or pinched nerve?		
Have you ever been dizzy during or after exercise?			you ever had heat or muscle cramps?		
Have you ever had chest pain during or after exercise?			you ever been dizzy or passed out in the heat?		
Do you tire more quickly than your friends during exercise?			u have trouble breathing or do you cough during	or	
Have you ever had high blood pressure?			exercise?		
Have you been told you have a heart murmur?		☐ 9. Do yo	u use special equipment (pads, braces, neck rolls,		
Have you ever had racing of your heart or skipped heartbeats?		☐ mouth	guard or eye guards, etc.)?		
Has anyone in your family died of heart problems or a sudden		10. Have	you ever had problems with your eyes or vision?		
death before age 50?		□ <sub>Do yo</sub>	ou wear glasses, contacts or protective eyewear?		
5. Do you have any skin problems (itching, rash, acne)?		☐ 11. Have	you had any other medical problems (infectious		
			onucleosis, diabetes, ect.)?		
12. Have you had a medical problem or injury since your las	st evaluation	? Yes	□ No		
13. Have you ever sprained/strained, dislocated, fractured, broker	n or had rep	eated swelling o	or other injuries of any of bones or joints?		
	and 🗌 hip				
☐ neck ☐ chest ☐ elbow ☐ wrist ☐ fin	nger 🗌 thi	igh 🗌 shin	_ foot		
14. Were you born without a kidney, testicle, or any other organ?	☐ Yes	□ No			
15. When was your first menstrual period?					
When was your last menstrual period?					
What was the longest time between your periods last year?					
Explain "YES" answers:					
C	ONSE	NT FOR	M		
		ident permission			
I herby consent to the above named student participating in the interso	cholastic athlet	ic program at his	/her school of attendance. This consent includes travel	to and from	m athletic
contests and practice sessions. I further consent to treatment deemed necesparticipation. I also consent to release of any information contained in this	essary by physic	cians designated s	school authorities for any illness or injury resulting from	his/her ath	ıletic
If the health care provider's exam will be performed without compensa-	sation as part o	f the school's her	alth examination program for participation in high school	ol activities.	
I agree to the waiver provisions as set forth in Idaho Code Section 39-7703	and agree that	t the health care p	provider shall be immune from liability as specified in sa	id section.	
PARENT OR GUARDIAN SIGNATURE			DATE:		
This application to compete in interscholastic athletics for the above school eligibility rules and regulation of the State Association.	l is entirely vol	untary on my pas		olated any o	of the
SIGNATURE OF STUDENT			DATE:		

# Idaho High School Activities Association **Physical Examination Form**

				Da	te of Bir		
	Height	Weight		BP	_/	Pulse	
		on R 20 /					
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	Pulses		T	Icai			
	Heart		-				
	Lungs	-	+				
	Skin	***	-				
	Ears, nose, throat		+				
	Pupils		<b>†</b>				
	Abdomen		<del> </del>				
	Genitalia (males)	-	1				
			Musculo	alreletal			
	Neck		Truscuto	SKCICIAI			
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	Wrist						
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	Back		-				
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	Ankle						
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	Other						
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